



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during September 2010
DISTRIBUTED: January 3, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Hazardous Waste:

Northeast Packaging Co., Presque Isle, Maine. Northeast Packaging Co. ("NEPCO") violated provisions of Maine's *Hazardous Waste, Septage and Solid Waste Management Act* by discharging hazardous waste inks and solvent to the floor of the facility around a solvent distillation system. In addition, NEPCO violated provisions of the Department's rule concerning *Standards for Generators of Hazardous Waste* by: transporting 148 drums of hazardous waste solvent from the site of generation to a warehouse without a license to do so; failing to label or mark containers of hazardous waste with the words "Hazardous Waste"; failing to keep containers of hazardous waste closed except when adding or removing waste; failing to maintain a containment and collection system; failing to conduct and document daily inspections for containers of hazardous waste; failing to store containers in a manner that allows the unobstructed movement of personnel, fire equipment, spill control equipment, and decontamination equipment; failing to provide and document a personnel-training program for hazardous waste management; failing to develop and maintain a hazardous waste contingency plan; failing to make annual arrangements in writing for services provided by local police, fire departments, hospitals, and emergency response teams; and failing to retain a notice of land disposal restriction for manifested hazardous waste for at least five years. NEPCO also violated the Department's rule for *Identification of Hazardous Wastes* by failing to conduct and maintain documentation of universal waste training of employees who handle or have responsibility for managing, proper handling, and emergency procedures with respect to universal waste. NEPCO also violated the provisions of a Department-issued license by failing to keep recovered waste solvent on the site of generation as required by the license. Following Department involvement, NEPCO submitted a hazardous waste contingency plan for Department review and approval and it indicated corrective actions undertaken to address the violations including: keeping hazardous waste containers closed when not adding or removing waste; installing secondary containment; training personnel in best management practices to prevent spillage from occurring and to report and clean up spills as they occur; ceased the transportation of hazardous waste off the site of generation; labeled containers of hazardous waste as hazardous waste; developed a hazardous waste contingency plan and trained employees on its implementation; established annual aid agreements with local police, fire departments, hospitals, and emergency management agency; and completed employee training on universal waste management. In addition, in the months following the Department's inspection NEPCO shipped 44 drums of hazardous waste solvent via a licensed hazardous waste transporter to a facility licensed to handle or dispose of hazardous waste, however, 104 drums of waste solvent remained at the warehouse location in November 2009. On November 13, 2009, NEPCO suffered a fire at the warehouse location that damaged four of the remaining 104 drums. Subsequent to the fire, NEPCO shipped the remaining 104 drums to a facility licensed to handle or dispose of hazardous waste. To resolve the violations, NEPCO agreed to submit to the Department for review and approval a sampling plan and schedule for the soils around a warehouse to assess the presence and extent of any contamination for discharges of solvent, inks, or other contaminants from the fire and implement further investigation or remediation as required based on the



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sampling results. In addition, NEPCO paid \$31,300 as a civil monetary penalty. A portion, \$10,000, of the total penalty, was paid to complete a supplemental environmental project to provide funds for the transportation and disposal of household pharmaceuticals collected in Aroostook County.

Land:

Mark Jensen and Charmaine Jensen, Belfast, Maine. Mark Jensen and Charmaine Jensen ("the Jensens") violated Maine's *Erosion and Sedimentation Control* law by conducting or causing to be conducted an activity that involved filling, displacing, or exposing soil or other earthen materials without taking measures to prevent the unreasonable erosion of soil or sediment into a protected natural resource. Specifically, Department staff documented during an inspection, that the Jensens had removed vegetation and disturbed soil in an area of approximately two acres during house construction. Sediment was discharging onto an abutter's property as well as a storm water drainage system which discharges directly to the ocean, the tidal area of which is a coastal wetland which is a protected natural resource. Some erosion controls had been installed on the site, however, none were being used to prevent sediment from eroding onto the abutter's property or into the storm water drainage system. Furthermore, Mark Jensen violated the Department's *Permit by Rule* standards by filing a permit by rule notification form and then not following permit by rule standards. Specifically, Mark Jensen failed to construct a storm water outfall pipe as proposed in the permit by rule application. To resolve the violations, the Jensens agreed to implement a restoration plan to stabilize and restore vegetation within 75 feet of the coastal wetland, and paid \$1,800 as a civil monetary penalty.